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3 THE HONORABLE JUDGE TANA LIN
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9
10 DAVID FITZPATRICK, and RYAN
MCDADE,

CASE NO. 2:20-cv-01064-TL

11 Intervenor Plaintiffs,

~~PROPOSED~~ PRETRIAL ORDER

12 v.

13 EATON CORPORATION,

14 Intervenor Defendant

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17 Plaintiffs David Fitzpatrick and Ryan McDade (“Plaintiffs”) and Eaton Corporation
18 (“Eaton” or “Defendant”), having conferred, submitted a Proposed Pretrial Order on February
19 13, 2023. Dkt. No. 120. To the extent this order reflects substantive changes from the Parties’
20 joint proposed pretrial order (Dkt. No. 120), additions have been marked in bold and italics,
21 while deletions have been marked with strikethrough. The revisions are based on the Parties’
22 representations and the Court’s rulings from the February 24, 2023, pretrial conference, unless
23 otherwise noted.

I. FEDERAL JURISDICTION

This Court has original jurisdiction of this lawsuit under 28 U.S.C. § 1332. Defendant Eaton Corporation (“Eaton”), pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446, removed this matter to the U.S. District Court for the Western District of Washington on July 10, 2020. Dkt. No. 1.

The lawsuit was initially filed in King County Superior Court, as Cause No. 20-2-09902-3 SEA, on June 11, 2020, by former Plaintiff Edgar Guerrero Apodaca. *Id.* Eaton was served on June 12, 2020. *Id.* This case was properly removed because complete diversity existed amongst Plaintiff and Eaton, as Plaintiff is a citizen of Washington and Eaton is incorporated and has its principal place of business in Ohio. *Id.*

On February 3, 2021, Intervention Plaintiffs filed a Stipulated Motion to Intervene (Dkt. No. 23) and on March 8, 2021 the Court granted the Stipulated Motion to Intervene (Dkt. No. 24). Intervention Plaintiffs are both citizens of Washington State and thus complete diversity remained once Intervention Plaintiffs were joined to the lawsuit (Dkt. No. 25).

II. PLAINTIFFS' CLAIMS

Plaintiffs seek damages pursuant to the following claims:

1. Violation of the Washington Product Liability Act (“WPLA”), RCW 7.72.030 as the product was not reasonably safe in construction, the product was not reasonably safe as designed and/or because inadequate warnings or instructions were not provided with the product;

2. Violation of the WPLA, RCW 7.72.030(1) and RCW 7.72.030(3) as the product was not reasonably safe as designed because it was unsafe to an extent beyond that which would be contemplated by the ordinary consumer;

3. Violation of the WPLA, RCW 7.72.030(1) because at the time of the manufacture, the likelihood that the product would cause Plaintiffs' harm or similar harms, and the seriousness of those harms rendered the warnings or instructions of Eaton inadequate and

1 Eaton could have provided the warnings or instructions which Intervention Plaintiffs alleges
2 would have been adequate;

3 4. Violation of the WPLA, RCW 7.72.030(2)(a), as the product was not reasonably
4 safe in its construction because when the product left the control of Eaton, the product deviated
5 in some material way from otherwise identical units of the same product line;

6 5. Violation of the WPLA, RCW 7.72.030(2)(a), as the product was not reasonably
7 safe in its construction because when the product left the control of Eaton, the product deviated
8 in some material way from the design specifications or performance standards of Eaton; and

9 6. Violation of the WPLA, RCW 7.72.030(2)(c) because the product did not
10 conform with implied warranties under Title 62A RCW, including the implied warranty of
11 merchantability and the implied warranty that the product was fit for a particular purpose for
12 which the product was required.

III. DEFENSE CLAIMS

14 At trial, Defendant will raise the following affirmative defenses raised in Answer to
15 Plaintiffs' Complaint:

16 1. Contributory negligence and/or comparative fault, as Defendant contends that
17 Plaintiffs are at fault, in part or in whole, for their alleged damages, in terms of their handling of
18 the product and/or the need to sufficiently protect themselves from foreseeable electrical hazards.

19 2. Failure to mitigate Plaintiffs' alleged damages, including but not limited to,
20 alleged economic damages associated with physical injuries, emotional injuries, and
21 employment losses.

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IV. FACTS

The Parties Plaintiffs are prepared to *stipulate to the following facts*, which are relevant and about which Plaintiffs believe there is no dispute:

1. ARCO/Murray National Construction Company, Inc. (“ARCO/Murray”), is a business registered in Washington State, which served as the general contractor over the subject project located at 1201 Second Avenue, Seattle, Washington (“Project”).

2. ARCO/Murray hired Cochran, Inc. ("Cochran") as one of its subcontractors to perform electrical installation work at the Project.

3. Plaintiffs were employees of Cochran and working in their capacity as employees for Cochran at the time of the incident on the Project.

4. Eaton was the manufacturer of the product that is the subject of this dispute – an Eaton 200 ampere bus plug (“Product”).

5. On December 16, 2019, Cochran employees installed the bus plugs on the bus riser at the Project, including the subject bug plug in the Room 9E, which is the electrical room on the eastside of the 9th floor where the incident occurred.

6. On December 17, 2019, Plaintiffs were working in Room 9E at the Project.

7. There were two bus plugs installed in Room 9E – a 200 ampere bus plus and a 60 ampere bus plug.

V. ISSUES OF LAW

The remaining questions of law relate to evidentiary issues presented by the parties' respective motions *in limine*. ***These issues have now been resolved by the Court's order on the Parties' motions in limine. See Dkt. No. 136.***

1 VI. WITNESSES
23 The names and addresses of witnesses to be used by Plaintiffs at the time of trial and the
4 general nature of the testimony of each are:
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Name/Address	Nature of Testimony	Will Testify or Possible Witness Only	Response
LAY WITNESSES			
David Fitzpatrick c/o HWS Law Group 1500 4 th Ave, Ste 200 Seattle, WA 98101	Mr. Fitzpatrick is one of the plaintiffs in this action, who was injured. He has knowledge of the facts and circumstances leading up to, including, and directly following the incident at issue, as well as regarding his injuries and treatment, his life before the incident at issue, and about how his personal, social and recreational life, relationships, and employment have been impacted by the incident and his injuries.	Will testify	
Ryan McDade c/o HWS Law Group 1500 4 th Ave, Ste 200 Seattle, WA 98101	Mr. McDade is one of the plaintiffs in this action, who was injured. He has knowledge of the facts and circumstances leading up to, including, and directly following the incident at issue, as well as regarding his injuries and treatment, his life before the incident at issue, and about how his personal, social and recreational life, relationships, and employment have been impacted by the incident and his injuries.	Will testify	
Edgar Guerrero Apodaca c/o Peterson Wampold Roasato Feldman Luna 1501 4 th Ave, Ste 2800 Seattle, WA 98101	Mr. Apodaca is one of the plaintiffs in this action. He has knowledge of the facts and circumstances leading up to, including, and directly following the incident at issue, as well as regarding his injuries.	Will testify	FRE 401/402, 403 R, C, M

1	Jason Axe c/o David C. Weaver Oles Morrison Rinker & Baker, LLP 701 Pike Street, Ste 1700 Seattle, WA 98101	Mr. Axe is currently a Detailer with Cochran, but was a Project Foreman with Cochran at the time of the incident. He will testify regarding the facts and circumstances leading up to, including, and directly following the incident at issue, his role as the Project Foreman at the time of the incident, Cochran's policies, practices and procedures, his involvement with L&I's investigation, and any other information regarding liability and damages, as set forth in his deposition testimony.	Will testify	
9	Brendan Clark c/o David C. Weaver Oles Morrison Rinker & Baker, LLP 701 Pike Street, Ste 1700 Seattle, WA 98101	Mr. Clark is the Director of Safety for Cochran and will testify regarding the facts and circumstances leading up to, including, and directly following the incident at issue, his role as the Director of Safety for Cochran, Cochran's policies, practices and procedures, his involvement with L&I's investigation, and any other information regarding liability and damages, as set forth in his deposition testimony.	Will testify	
17	John Gennaios c/o David C. Weaver Oles Morrison Rinker & Baker, LLP 701 Pike Street, Ste 1700 Seattle, WA 98101	Mr. Gennaios is the Vice President of Field Operations for Cochran and will testify regarding the facts and circumstances leading up to, including, and directly following the incident at issue, his role at Cochran, Cochran's policies, practices and procedures, his involvement with L&I's investigation, and any other information regarding liability and damages.	Will testify	
24	Wes Wuerch 20818 Snag Island Dr E Lake Tapps, WA 98391	Mr. Wuerch may testify regarding his status as a Former Area Sales Manager with Eaton Corporation, including fact, liability, and damages issues, as set forth in his deposition testimony.	Will testify	Mr. Wuerch will testify in the defense case-in-chief and Eaton objects to plaintiffs'

			request to offer this witness in the plaintiff case. Plaintiffs will offer Mr. Wuerch in their case-in-chief.
Robert Keith Richard Hughes c/o Tucker Ellis, LLP 201 Mission St, Ste 2310 San Francisco, CA 94105	Mr. Hughes testified as Eaton's Fed. R. Civ. P. 30(b)(6) corporate representative and will testify regarding the topics enumerated in Plaintiffs' Fed. R. Civ. P. 30(b)(6) Notice of Deposition to Eaton, including information regarding facts and liability, as set forth in his deposition testimony.	Will testify	Mr. Hughes will testify in the defense case-in-chief and Eaton objects to plaintiffs' request to offer this witness in the plaintiff case. Plaintiffs will offer Mr. Wuerch in their case-in-chief.
Harry Kuzminsky Compliance Safety and Health Officer Dept. of Labor and Industries Division of Occupational Safety and Health 315 th 5 th Ave S, Ste 200 Seattle, WA 98104	Mr. Kuzminsky is the Compliance Safety and Health Officer with the Department of Labor and Industries ("L&I") who investigated the explosion. He may be called to testify regarding his observations, investigation, findings, the L&I report concerning the incident, and any information regarding facts and liability related to this case.	May testify	
Ryan Paddock International Brotherhood of Electrical Works (IBEW) 19802 62nd Ave S, Ste 105 Kent, Washington, 98032	Mr. Paddock was identified in the State of Washington L&I May 8, 2020 Inspection report as being a "representative" in the "Enforcement Inspection Information" Form apparently prepared by Harry Kuzminsky, and may have information concerning the investigation by L&I, his role as the Union Steward, and any information regarding facts and liability related to this case.	May testify	
Erin Price 15117 Main St, B106	Ms. Price is David Fitzpatrick's daughter. She will be called to	Will testify	

1	Mill Creek, WA 98012	testify regarding her interactions and observations of David Fitzpatrick, including testimony set forth in Erin Price's Declaration provided to Eaton on October 21, 2022.		
2	Robin Laskody 1061 Lake Cabins Rd Ronald, WA 98940	Ms. Laskody is David Fitzpatrick's close friend. She will be called to testify regarding her interactions and observations of David Fitzpatrick, including testimony set forth in Robin Laskody's Declaration provided to Eaton on October 21, 2022.	May testify	
3	Barbara Imperial 512 Follow Through Dr D Yakima, WA 98901	Ms. Imperial is David Fitzpatrick's close friend. She will be called to testify regarding her interactions and observations of David Fitzpatrick, including testimony set forth in Barbara Imperial's Declaration provided to Eaton on October 21, 2022.	May testify	
4	Rachel McDade 25831 177 th Pl SE Covington, WA 98042	Rachel McDade is Ryan McDade's wife. She will be called to testify regarding her interactions and observations of Ryan McDade, including testimony set forth in Rachel McDade's Declaration provided to Eaton on October 21, 2022.	Will testify	
5	Lisa McDade 3402 N 27 th Street Tacoma, WA 98407	Lisa McDade is Ryan McDade's mother. She will be called to testify regarding her interactions and observations of Ryan McDade, including testimony set forth in Lisa McDade's Declaration provided to Eaton on October 21, 2022.	Will testify	
6	Michael McDade 3402 N 27 th Street Tacoma, WA 98407	Michael McDade is Ryan McDade's father. He will be called to testify regarding his interactions and observations of Ryan McDade, including testimony set forth in Michael McDade's Declaration provided to Eaton on October 21, 2022.	May testify	
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Tim McDade 26427 134 th Place SE Kent, WA 98042	Tim McDade is Ryan McDade's brother. He will be called to testify regarding his interactions and observations of Ryan McDade, including testimony set forth in Tim McDade's Declaration provided to Eaton on October 21, 2022.	May testify	
Aaron Cossette 19023 37thave Ave S SeaTac, WA 98188	Aaron Cossette is Ryan McDade's close friend. He will be called to testify regarding his interactions and observations of Ryan McDade, including testimony set forth in Aaron Cossette's Declaration provided to Eaton on October 21, 2022.	Will testify	
Records Custodians of WESCO Distribution. Inc. 300 Deschutes Way, SW, Suite 208 MC- CSC1 Tumwater, WA 98501	Records custodians of Wesco may be called to authenticate any records produced in response to Plaintiffs' Subpoena Duces Tecum.	May testify	
Records Custodians for SCD 2U LLC 300 Deschutes Way SW, Suite 208 MC- CSC1 Tumwater, WA 98501	Records custodians of SCD 2U LLC may be called to authenticate any records produced in response to Plaintiffs' Subpoena Duces Tecum.	May testify	
Records Custodians Valley Electric Company Inc. c/o Skagit Law Group PLLC PO Box 336 Mount Vernon, WA 98273	Records custodians of Valley Electric Company Inc. may be called to authenticate any records produced in response to Plaintiffs' Subpoena Duces Tecum.	May testify	
Douglas J. Barovsky, PE EFI Global 9316 Lakeview Ave SW, Bldg 21-C PO Box 98887 Lakewood, WA 98496	Mr. Barovsky is a Registered Professional Engineer and Certified Fire and Explosion Investigator, specializing in product failures including electrical, electronic, gas appliance, and other equipment failures. He will testify concerning his involvement in the investigation of the subject incident, including inspection and laboratory	Will testify	Defense MIL 4

	<p>1 testing/comparison of the subject 2 equipment and the exemplar bus 3 plug provided by Eaton. Mr. 4 Barovsky prepared a report that was 5 relayed by Cochran to Eaton and to 6 which Eaton responded. Mr. 7 Barovsky has kept and preserved 8 the damaged and exemplar 9 equipment, which will accompany 10 his testimony at trial. See Plaintiffs' 11 August 31, 2021 Initial Disclosures.</p>		
DEFENSE WITNESSES			
<p>8 Robert Keith Hughes 9 c/o Corr Cronin 10 1001 Fourth Avenue, 11 Suite 3900 12 Seattle, WA 98154</p>	<p>13 Keith Hughes currently serves as 14 the Senior Lead, Sales Engineer, 15 Busway CRDS Division for Eaton 16 Corporation. He will be called to 17 testify in areas, including but not 18 limited to the topics of subject 19 product design, and manufacture, 20 including certification and testing. 21 Mr. Hughes will also testify 22 regarding quality controls, 23 engineering services, overall 24 functionality and system use for the 25 subject product.</p>	<p>26 Will Testify</p>	
<p>16 Wes Wuerch 17 c/o Corr Cronin 18 1001 Fourth Avenue, 19 Suite 3900 20 Seattle, WA 98154</p>	<p>21 Wes Wuerch was previously 22 employed as an Area Sales Manager 23 situated in Seattle, Washington for 24 Eaton Corporation. He will be 25 called to testify regarding several 26 areas related to relevant customer product orders, distribution chains, and protocols for delivery to third party contractors, including but not limited to Cochran Inc, and the subject project.</p>	<p>27 Will Testify</p>	
<p>28 Olin Stewart 29 c/o Corr Cronin 30 1001 Fourth Avenue, 31 Suite 3900 32 Seattle, WA 98154</p>	<p>33 Olin Stewart is an Eaton 34 Corporation employee, who 35 currently serves in the role of Vice 36 President of Total Quality, 37 Electrical Sector, Americas. Mr. 38 Stewart will provide testimony 39 regarding the relevant quality 40 controls implemented for the 41 subject product, including but not</p>	<p>42 Will Testify</p>	<p>43 ER 403 (relevance, confusing, misleading and/or cumulative); Plaintiffs' MILs 26 and 30</p>

	<p>1 limited to, during design and 2 manufacturing phases, as well as 3 quality team member roles. Mr. 4 Stewart will also be called to testify 5 regarding relevant warranty reviews 6 with key customer and contractor 7 leads.</p>		
<p>5 Ryan Hatfield 6 c/o Corr Cronin</p>	<p>7 Ryan Hatfield is a Service Sales 8 Engineer in the Electrical 9 Engineering Services and Systems 10 Division of Eaton Corporation. Mr. 11 Hatfield will testify regarding the 12 subject product functionality, 13 including testing certification in the 14 manufacturing phase as well as in 15 the field. Mr. Hatfield will also be 16 called to provide testimony 17 regarding the role of Eaton's 18 Engineering Services Division 19 within the Electrical Sector, and on 20 the subject project.</p>	<p>21 May 22 Testify</p>	<p>23 ER 403 24 (relevance, 25 confusing, 26 misleading and/or cumulative); Plaintiffs' MILs 26 and 30.</p>
<p>13 Ruben Rodriguez 14 c/o Corr Cronin 15 1001 Fourth Avenue, 16 Suite 3900 17 Seattle, WA 98154</p>	<p>18 Ruben Rodriguez is currently a 19 Quality Manager for Eaton 20 Corporation and has served in this 21 quality role for over 30 years. He 22 will offer testimony regarding the 23 manufacturing plant in Juarez, 24 Mexico, where the subject product 25 is constructed and tested prior to 26 project arrival and installation. Mr. and Rodriguez will provide testimony regarding the manufacturing process, as well as the certification, testing and pre-installation quality controls in place for the subject product in the plant facility.</p>	<p>27 Will 28 Testify</p>	<p>29 ER 403 30 (relevance, 31 confusing, 32 misleading 33 and/or 34 cumulative); 35 Plaintiffs' MILs 36 26 and 30.</p>
<p>37 Jeffrey Kuykendall 38 c/o Corr Cronin 39 1001 Fourth Avenue, 40 Suite 3900 41 Seattle, WA 98154</p>	<p>42 Jeffrey Kuykendall is employed as a 43 Product Line Manager, within the 44 Busway CRDS Division at Eaton. 45 Mr. Kuykendall will provide 46 testimony regarding relevant 47 engineering drawings and 48 specifications, including original 49 review processes, revisions, 50 component parts, and plans for 51 ultimate assembly/build. Mr.</p>	<p>52 Will 53 Testify</p>	<p>54 ER 403 55 (relevance, 56 confusing, 57 misleading 58 and/or 59 cumulative); 60 Plaintiffs' MILs 61 26 and 30.</p>

	<p>Kuykendall will also provide testimony regarding related testing and certification procedures for the subject product to meet industry design standards.</p>		
<p>5 6 7 8 9 10 11 12 13</p> <p>Katelyn Frost c/o Corr Cronin 1001 Fourth Avenue, Suite 3900 Seattle, WA 98154</p>	<p>Katelyn Frost is a former Eaton employee, previously serving as Quality Engineer, Busway, CRDS Division, Eaton. Ms. Frost may provide testimony regarding initial site inspections at the 2&U project, post-incident product inspections, and subject product functionality, including design, manufacturing, certification, and testing. Ms. Frost may also testify regarding individual observations of both the project site and related conditions of the subject product, pre and post-incident.</p>	<p>May Testify</p>	<p>ER 403 (relevance, confusing, misleading and/or cumulative); Plaintiffs' MILs 26 and 30.</p>
TREATING PROVIDERS			
<p>14 15 16 17 18 19 20 21 22 23 24 25 26</p> <p>Amanda Cox, ARNP Evergreen Health 16916 104th Ave NE, Ste 300 Woodinville, WA 98072</p>	<p>Ms. Cox is a Family Practice Nurse Practitioner with Evergreen Health, and will testify regarding her treatment of Mr. Fitzpatrick. Ms. Cox will offer testimony concerning her treatment for Mr. Fitzpatrick's mental health, burns, body aches, and headaches, including any diagnoses made following those treatments and her recommendation that Mr. Fitzpatrick see a psychologist.</p> <p>Ms. Cox will opine that the injuries sustained by Mr. Fitzpatrick were directly caused by the incident that is the subject of this litigation and that the treatment rendered to Mr. Fitzpatrick at Evergreen Health was reasonable, necessary and related to the incident. The opinions offered by Ms. Cox will be expressed on a</p>	<p>May testify</p>	

	<p>more probable than not basis to a reasonable degree of medical certainty.</p> <p>Ms. Cox's testimony will be based on her examination and treatment of Mr. Fitzpatrick and on her knowledge, skill, experience, training and education.</p>		
<p>6 Steven H. Mitchell, 7 MD 8 Medical Director of 9 Emergency Center at 10 Harborview Medical 11 Center</p>	<p>Dr. Mitchell treated Mr. Fitzpatrick Harborview Emergency Department after the incident, and will testify regarding his treatment of Mr. Fitzpatrick.</p> <p>Dr. Mitchell will opine that the injuries sustained by Mr. Fitzpatrick was directly caused by the incident that is the subject of this litigation and that the treatment rendered to Mr. Fitzpatrick by him was reasonable, necessary and related to the subject incident. The opinions offered by Dr. Mitchell will be expressed on a more probable than not basis to a reasonable degree of certainty.</p> <p>Dr. Mitchell's testimony will be based on his examination and treatment of Mr. Fitzpatrick and on his knowledge, skill, experience, training and education.</p>	<p>May testify</p>	<p>Eaton objects to testimony regarding the nature of Mr. Guerrero's injuries as irrelevant to the active claims and prejudicial. FRE 401/402, 403</p> <p>Plaintiffs made appropriate updates; notwithstanding, Dr. Mitchell still may testify about the nature and extent of Mr. Guerrero's injuries (not treatment), as such testimony is relevant to what Mr. Fitzpatrick saw.</p>
<p>21 Wesley Murphy, MD 22 Harborview Medical 23 Center 24 Emergency 25 Department 26 Clinical Summary 325 9th Ave, Seattle, WA 98104</p>	<p>Dr. Murphy is an emergency medicine physician who provided treatment to Plaintiff Guerrero while he was patients in the Emergency Department at Harborview Medical Center. He will be called to testify about his treatment of Plaintiff, including his observations, examinations, diagnoses, and course of treatment provided, in</p>	<p>May testify</p>	<p>Dr. Murphy may testify about nature/extent of Mr. Guerrero's injuries, given that the sight of those injuries was traumatic to Mr. Fitzpatrick. Eaton objects to</p>

	<p>1 accordance with their medical 2 records</p> <p>3 Dr. Murphy's testimony will be 4 based on his examinations and 5 treatment of Mr. Guerrero, and on 6 his knowledge, skill, experience, 7 training and education.</p>		<p>8 testimony 9 regarding the 10 nature of Mr. 11 Guerrero's 12 injuries as 13 irrelevant to the 14 active claims 15 and prejudicial. 16 FRE 401/402, 17 403</p>
<p>18 Shelley Wiechman, 19 Ph.D., ABPP 20 Regional Burn Center 21 at Harborview 22 UW Medicine 23 325 9th Ave 24 Seattle, WA 98014</p>	<p>25 Dr. Wiechman is a psychologist 26 who was one of Mr. Fitzpatrick's treating health care providers after his burn injuries. She will be called to testify regarding her treatment of Fitzpatrick for his psychological injuries while inpatient at Harborview Medical Center as well as after his discharge. Dr. Wiechman will testify in accordance with her medical records, which have been provided to Defendant. She will testify in detail regarding her evaluation and treatment, including examinations, symptoms, causation, diagnoses, and prognosis. All opinions will be on a more probable than not basis to a reasonable degree of medical probability.</p> <p>27 Dr. Wiechman will testify that Mr. 28 Fitzpatrick suffered emotional 29 injuries as a result of the workplace 30 electrical arc flash burn, including 31 post-traumatic stress disorder, with 32 flashbacks and nightmares. She will 33 testify that all of the psychological 34 treatment provided to Mr. 35 Fitzpatrick from and after December 36 17, 2019 was more probably than 37 not reasonable and necessary and 38 related to the December 17, 2019 39 workplace electrical arc flash burn.</p>	<p>40 May testify</p>	

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	<p>1 Dr. Lomazow will opine that the 2 injuries sustained by Mr. Fitzpatrick 3 were directly caused by the incident 4 that is the subject of this litigation 5 and that the treatment rendered to 6 Mr. Fitzpatrick at the Harborview 7 Medical Center Eye Center was 8 reasonable, necessary and related to 9 the subject incident. The opinions 10 offered by Dr. Lomazow will be 11 expressed on a more probable than not basis to a reasonable degree of medical certainty.</p> <p>12 Dr. Lomazow's testimony will be 13 based on her examination and 14 treatment of Mr. Fitzpatrick and on 15 her knowledge, skill, experience, 16 training and education.</p>		
<p>12 Catherine Mehn, 13 LICSW 14 401 Main St, Ste 101 15 Walla Walla, WA 16 98362</p>	<p>12 Ms. Mehn's is a Licensed Clinical 13 Social Worker, and will testify 14 regarding her treatment of Mr. 15 Fitzpatrick. Ms. Mehn will offer 16 testimony concerning her treatment 17 of Mr. Fitzpatrick's Major 18 Depressive Disorder and PTSD.</p> <p>19 Ms. Mehn will opine that the 20 injuries sustained by Mr. Fitzpatrick 21 were directly caused by the incident 22 that is the subject of this litigation 23 and that the treatment rendered to 24 Mr. Fitzpatrick by her was 25 reasonable, necessary and related to 26 the subject incident. The opinions offered by Ms. Mehn will be expressed on a more probable than not basis to a reasonable degree of certainty.</p> <p>27 Ms. Mehn's testimony will be based 28 on her examination and treatment of 29 Mr. Fitzpatrick and on her 30 knowledge, skill, experience, 31 training and education.</p>	<p>12 May testify</p>	

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<p>Pearl Hintz, MS, LMHC Lutheran Counseling Network 2415 S 320th St Federal Way, WA 98003</p> <p>Ms. Hintz is a Washington State Licensed Mental Health Counselor with Lutheran Counseling Network, and will testify regarding her treatment of Mr. McDade, and regarding his mental health issues following the incident that is the subject of this litigation. Ms. Hintz will testify regarding her treatment of Mr. McDade's PTSD when he presented at various appointments.</p> <p>Ms. Hintz will opine that the injuries sustained by Mr. McDade were directly caused by the incident and that the treatment rendered by Ms. Hintz at Lutheran Counseling Network was reasonable, necessary and related to the subject incident. The opinions offered by Ms. Hintz will be expressed on a more probable than not basis to a reasonable degree of medical certainty.</p> <p>Ms. Hintz's testimony will be based on her examination and treatment of Mr. McDade and on her knowledge, skill, experience, training and education.</p>	May testify	
19 20 21 22 23 24 25 26	<p>Dr. Jeffrey Schack MultiCare 801 W 5th Ave, Ste 422 Spokane, WA 99204</p> <p>Dr. Jeffery Schack is a psychiatrist with MultiCare and will testify regarding his treatment of Mr. McDade. Dr. Schack will testify regarding his treatment of Mr. McDade's PTSD when he presented at various appointments.</p> <p>Dr. Schack will opine that the injuries sustained by Mr. McDade were directly caused by the incident and that the treatment rendered to Mr. McDade at MultiCare was reasonable, necessary and related to the subject incident. The opinions</p>	May testify	

	<p>offered by Dr. Schack will be expressed on a more probable than not basis to a reasonable degree of medical certainty.</p> <p>Dr. Schack's testimony will be based on his examination and treatment of Mr. McDade and on his knowledge, skill, experience, training and education.</p>		
EXPERT WITNESSES			
7 8 9 10 11 12 13 14	Paul Way, PE, CFI, CFEI, PI c/o Jensen Hughes 23109 55 th Ave W Mountlake Terrace, WA 98043	Mr. Way is a Registered Professional Electrical Engineer, a Certified Fire Investigator and a Certified Fire and Explosion Investigator and he will testify as to the same. Mr. Way will also offer testimony to rebut the testimony of Eaton's experts, including R. Vasudevan and Brian Erga. Mr. Way will testify regarding his opinions set forth in his expert report, his rebuttal report and his deposition testimony.	Will testify
15 16 17 18 19 20 21 22 23 24	Douglas J. Barovsky, PE EFI Global 9316 Lakeview Ave SW, Bldg 21-C PO Box 98887 Lakewood, WA 98496	Mr. Barovsky is a Registered Professional Engineer and Certified Fire and Explosion Investigator, specializing in product failures including electrical, electronic, gas appliance, and other equipment failures. He is highly qualified to perform electric shock and electrocution analysis as well as explosion origin and cause investigations. Mr. Barovksy will testify about his investigation, analysis, and conclusions related to this incident. He will testify consistent with his reports, declaration, and deposition testimony.	Will testify
25 26	Suzanne Best, Ph.D. 1818 NE Irving Street Portland, OR 97232	Dr. Best is a clinical psychologist. Her area of expertise focuses on evaluation and treatment of individuals exposed to trauma and	Will testify

1	she will testify as to the same. Dr. Best will also offer testimony to rebut the testimony of Eaton's expert, Dr. Ziegler. Dr. Best will testify regarding her opinions set forth in her expert reports, her rebuttal reports and her deposition testimony.			
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5	Anthony J. Choppa, Jr., M.Ed., C.R.C., C.C.M., C.D.M.S. c/o OSC Vocational Systems, Inc. 10132 NE 185 th Street Bothell, WA 98011	Mr. Choppa is a certified rehabilitation counselor, registered private rehabilitation counselor, certified disability management specialist, certified case manager, contractor counselor with Veteran's administration, certified vocational rehabilitation counselor and a vocational expert for the social security administration office of hearings and appeals and he will testify as to the same. Mr. Choppa will also offer testimony to rebut the testimony of Eaton's expert, William Skilling. Mr. Choppa will testify regarding his opinions set forth in his expert reports and his deposition testimony.	Will testify	
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16	Christina P. Tapia, Ph.D. c/o NW Economics 1416 NW 46 th St., Ste 105-PMB 337 Seattle, WA 98107	Dr. Tapia is an economist. Her areas of expertise include economic analysis and financial investigations and she will testify as to the same. Dr. Tapia will also offer testimony to rebut the testimony of Eaton's expert, Laura Fuchs Dolan. Ms. Tapia will testify regarding her opinions set forth in her expert reports.	Will testify	
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DEFENDANT'S EXPERTS				
22	Ramaswami "Vasu" Vasudevan, P.E., C.P.E., Sidhi Consultants, LLC 6440 Sky Pointe Dr., #140-492 Las Vegas, NV 89131	Mr. Vasudevan is a registered professional engineer, and certified plant engineer. He is a Fellow of the National Academy of Forensic Engineers, and board certified Diplomate in Forensic Engineering by NAFE. He holds over 45 years of multi-disciplinary engineering experience in mechanical, electrical,	Will Testify	Plaintiffs' MILs 29, 30, 31, 33, 34 and 36.
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	<p>Dr. Elizabeth Ziegler, Ph.D., Licensed Psychologist; Neuropsychologist, Clinical & Forensic 421 West Riverside Ave, Suite 315 Spokane, WA 99201</p> <p>Dr. Ziegler, currently serves as a staff neuropsychologist at the MultiCare Neuroscience Institute, Neurology Center, in addition to managing an independent practice for neuropsychological and psychological assessment. Her work in the outpatient neuropsychology clinic and practice, includes, comprehensive and brief neuropsychological testing, psychological assessment, report writing, and administration for a variety of diagnostic groups and referral questions (e.g., mild cognitive impairment, dementia, traumatic brain injury, tumor, movement disorders, and complex medical conditions). Dr. Ziegler will testify regarding issues pertaining to damages and causation including, but not limited to, the psychological condition of plaintiffs. She will also rebut the testimony of plaintiff expert Dr. Suzanne Best.</p>	Will Testify	Plaintiffs' MILs 35-44.
	<p>Brian Erga, Chuckanut Consulting LLC. 247 Afterglow Dr. Friday Harbor, WA 98250</p> <p>Mr. Erga has nearly 50 years of electric utility experience, including in electric utility safety work practices and associated Federal OSHA regulations and national codes. He holds significant experience in the operation,</p>	Will Testify	Plaintiffs' MILs 24, 25, 27, 28, 34 and 36.

	<p>1 maintenance and construction of 2 electric utility systems and associated 3 work methods. As an electrical 4 engineer (BSEE), Mr. Erga has 5 testified previously and provided 6 consulting to Federal OSHA. He has 7 designed and managed the 8 construction, operation and 9 maintenance of electrical overhead 10 and underground, distribution and 11 transmission systems energized from 12 120 Volts to 500,000 Volts. Mr. Erga 13 is expected to testify regarding 14 standard local and national electrician 15 safety practices and protocols related 16 to working with and/or around 17 energized electrical equipment, 18 including but not limited to NFPA 70 19 and NFPA 70E Standard for 20 Electrical Safety in the Workplace. 21 He will also rebut the testimony of 22 plaintiff expert Paul T. Way.</p>		
13 14 15 16 17 18 19 20 21 22 23	Dr. Mark Sofonio, M.D. 660 4 th Street. #716 San Francisco, CA 94107 Dr. Sofonio is board certified by the American Board of Plastic and Reconstructive Surgery. He is also a member of the American College of Surgeons, and American Burn Association. In addition to his residency training, Dr. Sofonio has also completed several post-residency fellowships, including supervising a Burn Unit/Wound Care Center at the Medical College of New York. Dr. Sofonio is expected to testify on issues pertaining to damages and causation including, but not limited to, the reasonableness of plaintiffs' future treatment, the reasonableness of plaintiffs' future medical expenses, plaintiffs' conditions and prognosis for the future.	Will Testify	
24 25 26	Laura Fuchs Dolan, M.B.A., Dolan Xitco 501 West Broadway, Suite 710 San Diego, CA 92101 Laura Fuchs Dolan, M.B.A. is an economic expert currently serving as Principal of Dolan Xitco. She was previously the Managing Director of LECG, and is a former shareholder of Mack/Barclay Inc., as well as a	Will Testify	

	<p>former economic analyst for Brinton Economics, Inc. Ms. Dolan has more than 20 years of experience in evaluating economic loss claims, in several industries, including financial services, healthcare, insurance, manufacturing, telecommunications, and professional services. Ms. Dolan is expected to testify in rebuttal regarding plaintiffs' alleged economic losses and damages, including in response to Christina Tapia.</p>		
<p>William B. Skilling, M.A., William B. Skilling & Company 4616 25th Ave., NE, PMB 249 Seattle, WA 98105</p>	<p>Mr. Skilling is a vocational rehabilitation expert. In addition to holding a Master of Arts in Rehabilitation, he is also a certified Rehabilitation Counselor, certified Disability Management Specialist, and certified Life Care Planner. He has also been registered by the Washington Department of Labor and Industries as a Vocational Rehabilitation Counselor. Mr. Skilling is expected to testify as a rebuttal expert regarding plaintiffs' alleged damages, including in the category of future anticipated employment capacity, specifically as to the opinions of Anthony J. Choppa.</p>	<p>Will Testify</p>	<p>Plaintiffs' MILs 37-44.</p>

VII. EXHIBITS¹

The following is a list of all exhibits which will be offered by Parties at the time of trial, except exhibits to be used for impeachment only. The parties intend to present exhibits in electronic format to jurors ~~unless~~ *except for* physical evidence.

JOINT EXHIBITS					
Ex. #.	Description	BATES	Authenticity	Admissibility	Objection
J-1	01.24.2019 Bug Plug Testing Field Service Report	EATON0 0051-58			
J-2	12.12.2019 Field Service Report	EATON0 00060-73			

¹ The exhibit chart reflects an amended version submitted by the Parties following the pretrial conference.

1	J-3	12.23.2019 Field Service Report	EATON0 00075-94			
2	J-4	02.05.2020 Field Service Report	EATON0 00096-117			
3	J-5	12.17.2020 Eaton (Olin Stewart) e-mail	EATON0 0223-292			
4	J-6	09.01.2008 Eaton BPC5480 Pow-R-Way III Bus Plug 200A K-Switch Final Assembly Plans; Rev 1	EATON0 00293			
5	J-7	EATON Arc Flash Incident Energy Analysis	EATON0 0506-584			
6	J-8	08.28.2018 Field Service Report	EATON0 0670-712			
7	J-9	Photos	EATON0 0856-913			
8	J-10	Purchase Order 6101-401721	EATON0 1278			
9	J-11	04.10.2020 Olin Stewart e-mail	N/A			
10	J-12	Exemplar busplug and associated equipment provided by Eaton	N/A			
11	J-13	Subject busplug and associated equipment	N/A			

PLAINTIFFS' EXHIBITS

Ex. #	Description	BATES	Authenticity	Admissibility	Objection
P-1	01.24.2019 Letter from Eaton to Gary Keller (Cochran) enclosing Field Service Report for bus plug testing	EATON00 050		Disputed	FRE 403, V
P-2	12.12.2019 Letter from Eaton to Jason Axe with Field Service Report	EATON00 0059		Disputed	FRE 403, V
P-3	12.23.2019 Letter from Eaton to "Json Axe" with Field Service Report for "re-commissioning od [sic] buss-duct and buss-plugs."	EATON00 0074		Disputed	FRE 403, V
P-4	02.05.2020 Letter from Eaton with Field Service Report for the re-commissioning of buss-duct and buss-plugs	EATON00 0095		Disputed	FRE 403, V
P-5	Busway Product Line Organization Chart	EATON00 161		Disputed	FRE 401/402, 403, R, V
P-6	Busway Plant Organization Chart	EATON00 162		Disputed	FRE 401/402, 403 R, V

1	P-7	03.12.2020 ESi Participant Log	EATON00 206			
2	P-8	09.21.2020 Letter from Skanska to Eaton	EATON00 208-222			
3	P-9	Eaton Installation Series 09-Pow-R-Way III busway bus plug installation - YouTube	N/A	Disputed	FRE 403, V, M, C	
4	P-10	Eaton 11-part video series: Part 2 http://site-340394.bcvp0rtal.com/detail/video/2602651330001/02-pow-r-way-iii-busway-indoor-joint-installation?autoStart=true&q=POW-R-WAY	N/A	Disputed	FRE 403, V, M, C	
5	P-11	Eaton 11-part video series: Part 3 http://site-340394.bcvp0rtal.com/detail/video/2602645485001/03-pow-r-way-iii-busway-hanger-installation?autoStart=true&q=POW-R-WAY	N/A	Disputed	FRE 403, V, M, C	
6	P-12	Arc flash explosion video (http://site-340394.bcvp0rtal.com/detail/video/6256039547001/arc-flash-explosion?q=Arc%20flash)	N/A	Disputed	FRE 403 V, M, C	
7	P-13	Switches and Disconnects web page by Eaton https://www.eaton.com/us/en-us/products/low-voltage-power-distribution-control-systems/switches---disconnects/switches-fundamentals.html	N/A	Disputed	FRE 403 V, M, C	
8	P-14	Laboratorium Internal Arc Flash Test Video by Eaton https://videos.eaton.com/detail/video/4022802956001/laboratorium-internal-arc-flash-test?autoStart=true&q=arc%20flash%20	N/A	Disputed	FRE 403 V, M, C	
9	P-15	February 27, 2020 Sidhi Consultants e-mail to Cochran re 922-944	EATON00 922-944	Disputed	FRE 403 V, M, C	

1	examinations and forensic engineering analysis				
2	P-16 December 18, 2019 Eaton e-mail to Eaton re inspection of remaining bus plugs w/ photos	EATON00 945-953		Disputed	FRE 403 V, M, C
3	P-17 December 19, 2019 Eaton e-mail re Orders from Skanska to remove Bus Plug	EATON00 954-957		Disputed	FRE 403 V, M, C
4	P-18 March 30, 2020 Cochran e-mail to Wes Wuerch re Esi's March 24, 2020 report	EATON00 0994-01006		Disputed	FRE 403 V, M, C
5	P-19 January-March 2020 e-mail chain including Eaton, Cochran, Esi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug	EATON00 1007-1014		Disputed	FRE 403 V, M, C
6	P-20 December 2019 e-mail chain including Cochran, Eaton & Wesco re Fuses and Bussing	EATON00 1022-1027		Disputed	FRE 403 V, M, C
7	P-21 January-March 2020 e-mail chain including Eaton, Cochran, Esi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug and confirmation of March 11 & 12 site and lab inspection	EATON00 1029-1038		Disputed	FRE 403 V, M, C
8	P-22 December 2019 e-mail chain including Cochran, Eaton & Wesco re Fuses and Bussing and confirming order with Molly Hendryx	EATON00 1039-1044		Disputed	FRE 403 V, M, C
9	P-23 Attachments to December 2019 e-mail chain including Cochran, Eaton & Wesco re Fuses and Bussing and fuse and plug info from Tim Brennan	EATON00 1066-1074		Disputed	FRE 403 V, M, C
10	P-24 December 2019 e-mail chain including Cochran, Eaton & Wesco re Fuses and Bussing and fuse and plug info from Tim Brennan	EATON00 1080-1084		Disputed	FRE 403 V, M, C
11	P-25 January-February 2020 e-mail chain including Eaton, Cochran, Esi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug and concerns from Barovsky on scheduling	EATON00 1090-1091		Disputed	FRE 403 V, M, C

1	P-26	December 2019 e-mail chain including Cochran, Eaton & Wesco re Fuses and Bussing and fuse and plug info from Tim Brennan	EATON00 1092-1094		Disputed	FRE 403 V, M, C
2	P-27	January-February 2020 e-mail chain including Eaton, Cochran, Esi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug and concerns from Barovsky on scheduling	EATON00 1097-1099		Disputed	FRE 403 V, M, C 3
3	P-28	January-February 2020 e-mail chain including Eaton, Cochran, Esi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug and concerns from Barovsky on scheduling	EATON00 1104-1105		Disputed	FRE 403 V, M, C
4	P-29	January-February 2020 e-mail chain including Eaton, Cochran, Esi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug and confirmation from Praetorian Power on dates	EATON00 1118-1124		Disputed	FRE 403 V, M, C
5	P-30	December 2019 e-mail chain including Cochran, Eaton & Wesco re Fuses and Bussing and fuse and plug info from Tim Brennan	EATON00 1131-1132		Disputed	FRE 403 V, M, C 3
6	P-31	December 19, 2019 e-mail chain including Eaton and Cochran RE "Support from Eaton Team"	EATON 01139- 1141		Disputed	FRE 403 V, M, C
7	P-32	December 19, 2019 e-mail chain RE: CQM sent to Eaton employees on the "Busway Team"	EATON01 145-1151		Disputed	FRE 403 V, M, C
8	P-33	January-February 2020 e-mail chain including Eaton, Cochran, ESi, Arco, Praetorian Power, & Vasu re testing of new 200amp bus plug and concerns from Barovsky on scheduling	EATON01 155-61		Disputed	FRE 403 V, M, C
9	P-34	January-February 2020 e-mail chain including Eaton, Cochran, ESi, Arco re testing of new 200amp bus plug and concerns from Barovsky on scheduling	EATON01 162-1165		Disputed	FRE 403 V, M, C

1	P-35	January-March 2020 e-mail chain regarding testing and forthcoming ESi report.	EATON01 175-1188		Disputed	FRE 403 V, M, C
2	P-36	December 23, 2019 e-mail chain between Eaton and Wesco RE Eaton's testing of 2 + U bus plugs, including attachments	EATON01 280-1285		Disputed	FRE 403 V, M, C
3	P-37	E-mail chain including R. Vasu Vasudevan e-mail confirming availability to participate in forensic examination on behalf of Eaton.	EATON01 294-1302		Disputed	FRE 403 V, M, C
4	P-38	February 3, 2020 email between Eaton and Cochran regarding February 3, 2020 letter from Eaton to Cochran entitled "Eaton Warranty on Bus Risers—GO #MSE0008564" and attaching the same.	EATON01 327-1330		Disputed	FRE 403 V, M, C
5	P-39	January 2020 e-mail chain between Cochran and Eaton discussing expediting replacement equipment.	EATON01 338-1340		Disputed	FRE 403 V, M, C
6	P-40	December 19, 2019 e-mail forward from Cochran to Eaton regarding removal of subject bus plug from job site.	EATON01 341-1342		Disputed	FRE 403 V, M, C
7	P-41	December 19, 2019 e-mail chain RE support from Eaton team related to removal of damaged bus plug.	EATON13 47-1348		Disputed	FRE 403 V, M, C
8	P-42	January 2-January 13, 2020 email chain between Cochran's Chrys Burge and EATON's Wes Wuerch	N/A		Disputed	FRE 403 V, M, C
9	P-43	September 27, 2019 Electrical Gear Submittal Package	N/A			
10	P-44	McDade Employment Records	COCHRA N_000037 -43			
11	P-45	Cochran Paystubs 6/19/22-8/14/22 (Fitzpatrick)	N/A		Disputed	Defense MIL 9
12	P-46	Cochran Paystubs 6/26/22 – 8/21/22 (McDade)	N/A		Disputed	Defense MIL 9

1	P-47	Inside Construction Agreement (WIRE) Area Wage Report	N/A		Disputed	Defense MIL 9
2	P-48	Labor Agreement between Local Union No. 46	N/A		Disputed	Defense MIL 9
3	P-49	Puget Sound Electric Workers Pension Plan	N/A		Disputed	Defense MIL 9
4	P-50	12.18.2019 E-mail from Carisa Kruse (Wesco) to Eaton	Wesco-003702-703		Disputed	FRE 403 V, M, C
5	P-51	12.18.2019 E-mails from Kelly Vensel (Eaton) to Carisa Kruse (Eaton)	Wesco-003704-717		Disputed	FRE 403 V, M, C
6	P-52	12.18.2019 e-mails	Wesco-003718-723		Disputed	FRE 403 V, M, C
7	P-53	12.19.2019 E-mails	Wesco-003729-733		Disputed	FRE 403 V, M, C
8	P-54	12.19.2019 Eaton quote	Wesco-003734-736		Disputed	FRE 403 V, M, C
9	P-55	12.18.2019 E-mails	Wesco-003737-750		Disputed	FRE 403 V, M, C
10	P-56	Eaton 2 and U Bus replacement sheet	Wesco-003751-752		Disputed	FRE 403 V, M, C
11	P-57	12.20.2019 Eaton/Wesco e-mails about replacement parts	Wesco-003753-779		Disputed	FRE 403 V, M, C
12	P-58	12.23.2019 E-mails	Wesco-004164-4218		Disputed	FRE 403 V, M, C
13	P-59	12.26.2019 E-mails	Wesco-004220-223		Disputed	FRE 403 V, M, C
14	P-60	12.26.2019 Eaton bus plug order	Wesco-004224-241		Disputed	FRE 403 V, M, C

1	P-61	2020 e-mails	Wesco-004884-933		Disputed	FRE 403 V, M, C
2	P-62	05.05.2020 e-mail about bus plug that blew up, charge back to Eaton	Wesco-005506-005512		Disputed	FRE 403 V, M, C
3	P-63	04.28.2020 Cochran invoice for buss plug incident	Wesco-005513		Disputed	FRE 403 V, M, C
4	P-64	May 2020 e-mails between Eaton and Wesco	Wesco-005514-519		Disputed	FRE 403 V, M, C
5	P-65	May 2020 e-mails about ESI report	Wesco-005521-005548		Disputed	FRE 403 V, M, C
6	P-66	David Fitzpatrick's clothing from date of incident	N/A			
7	P-67	Photographs of David Fitzpatrick	N/A			
8	P-68	Photographs of Ryan McDade	N/A			
9	P-69	All figures, charts and diagrams included in Paul Way's expert report and rebuttal report	N/A			
10	P-70	Photo of Eaton bus plug from floor 31	N/A		Disputed	FRE 403, V
11	P-71	Level 9 Electrical Room Photos • IMG_2842 – 2857	N/A		Disputed	FRE 403, V
12	P-72	PSE Final Report: Skanska Bus Plug Inspections 2 + U Building	N/A		Disputed	FRE 403, 802, V, H
13	P-73	May 8, 2020 L&I Letter to Cochran	N/A		Disputed	FRE 403, 802, V, H
14	P-74	May 8, 2020 L&I Results of Inspection	N/A		Disputed	FRE 403, 802, V, H
15	P-75	L&I Inspection Summary Report	N/A		Disputed	FRE 403, 802, V, H
16	P-76	L&I Case Information	N/A		Disputed	FRE 403, 802, V, H
17	P-77	Evergreen Health 3/29/17 records (Any L&I and insurance information redacted)	EHP00006 9-75			
18	P-78	Evergreen Health 12/17/19 records (Any L&I and insurance information redacted)	EHP00001 9-23			
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1	P-79	Evergreen Health 12/31/19 records (Any L&I and insurance information redacted)	EHP00008 0			
2	P-80	Evergreen Health 12/1/20 records (Any L&I and insurance information redacted)	EHP00004 1			
3	P-81	Evergreen Health 12/14/20 records (Any L&I and insurance information redacted)	EHP00005 8-61			
4	P-82	Evergreen Health 2/4/20 records (Any L&I and insurance information redacted)	EHP00010 2-113			
5	P-83	Evergreen Health 2/9/20 records (Any L&I and insurance information redacted)	EHP00010 5-107			
6	P-84	Evergreen Health 3/8/20 records (Any L&I and insurance information redacted)	EHP00096 -98			
7	P-85	Evergreen Health 7/16/20 records (Any L&I and insurance information redacted)	EHP00006 6-69			
8	P-86	Evergreen Health 7/20/20 records (Any L&I and insurance information redacted)	EHP00002 8-29			
9	P-87	Evergreen Health 8/6/20 records (Any L&I and insurance information redacted)	EHP00006 1-66			
10	P-88	Evergreen Health 1/14/21 records (Any L&I and insurance information redacted)	EHP00005 4-58			
11	P-89	Evergreen Health 1/11/22 records (Any L&I and insurance information redacted)	EHP00005 0-53			
12	P-90	Lutheran Counseling Network 8/25/20 records (Any L&I and insurance information redacted)	LCN0000 57-65			
13	P-91	Lutheran Counseling Network 9/1/20 records (Any L&I and insurance information redacted)	LCN0000 50-56			
14	P-92	Lutheran Counseling Network 9/9/20 records (Any L&I and insurance information redacted)	LCN0000 46-49			

1	P-93	Lutheran Counseling Network 10/13/20 records (Any L&I and insurance information redacted)	LCN0000 36-39			
2	P-94	Lutheran Counseling Network 10/27/20 records (Any L&I and insurance information redacted)	LCN0000 32-35			
3	P-95	Lutheran Counseling Network 12/27/20 records (Any L&I and insurance information redacted)	LCN0000 26-29			
4	P-96	Lutheran Counseling Network 1/6/21 records (Any L&I and insurance information redacted)	LCN0000 23-25			
5	P-97	Lutheran Counseling Network 1/19/21 records (Any L&I and insurance information redacted)	LCN0000 18-22			
6	P-98	Lutheran Counseling Network 2/16/21 records (Any L&I and insurance information redacted)	LCN0000 15-16			
7	P-99	Lutheran Counseling Network 3/2/21 records (Any L&I and insurance information redacted)	LCN0000 12-14			
8	P-100	Lutheran Counseling Network 8/24/21 records (Any L&I and insurance information redacted)	LCN0000 10-11			
9	P-101	Lutheran Counseling Network 10/1/21 records (Any L&I and insurance information redacted)	LCN0000 09			
10	P-102	Lutheran Counseling Network 8/20/20 records (Any L&I and insurance information redacted)	LCN0000 03-5			
11	P-103	Harborview Medical Center 12/17/19 records (Any L&I and insurance information redacted)	UWM000 349-362, 378-379, 358-398			
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1	P-104	Harborview Burn & Plastic Surgery Clinic 12/31/19 records (Any L&I and insurance information redacted)	UWM000 299-348			
2	P-105	Harborview Burn & Plastic Surgery Clinic 1/2/20 records (Any L&I and insurance information redacted)	UWM000 297			
3	P-106	Harborview Burn & Plastic Surgery Clinic 1/7/20 records (Any L&I and insurance information redacted)	UWM000 241-296			
4	P-107	Harborview Medical Center 2/4/20 records (Any L&I and insurance information redacted)	UWM000 159-164			
5	P-108	Harborview Burn & Plastic Surgery Clinic 2/4/20 records (Any L&I and insurance information redacted)	UWM000 165-186- 198, 200- 201			
6	P-109	Harborview Medical Center Heart Institute 3/5/20 records (Any L&I and insurance information redacted)	UWM000 119-141, 157-158			
7	P-110	Harborview Medical Center Eye Institute 3/5/20 records (Any L&I and insurance information redacted)	UWM000 142-156			
8	P-111	Harborview Burn & Plastic Surgery Clinic 3/6/20 records (Any L&I and insurance information redacted)	UWM000 083, UWM000 092-96			
9	P-112	Harborview Medical Center 3/26/20 records (Any L&I and insurance information redacted)	UWM000 067-80			
10	P-113	Harborview Medical Center 4/15/20 records (Any L&I and insurance information redacted)	UWM000 037-66, 375-377, 428-438			
11	P-114	Harborview Medical Center Heart Institute 4/30/20 records (Any L&I and insurance information redacted)	UWM000 032-36			
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1	P-115	Harborview Medical Center Eye Institute 6/5/20 records (Any L&I and insurance information redacted)	UWM000 021-25			
2	P-116	Harborview Medical Center Eye Institute 9/24/20 records (Any L&I and insurance information redacted)	UWM000 010-11			
3	P-117	LifeStance Health 3/14/22 records (Any L&I and insurance information redacted)	N/A			
4	P-118	LifeStance Health 3/16/22 records (Any L&I and insurance information redacted)	N/A			
5	P-119	LifeStance Health 3/29/22 records (Any L&I and insurance information redacted)	N/A			
6	P-120	LifeStance Health 4/12/22 records (Any L&I and insurance information redacted)	N/A			
7	P-121	LifeStance Health 4/26/22 records (Any L&I and insurance information redacted)	N/A			
8	P-122	LifeStance Health 5/17/22 records (Any L&I and insurance information redacted)	N/A			
9	P-123	LifeStance Health 6/7/22 records (Any L&I and insurance information redacted)	N/A			
10	P-124	LifeStance Health 7/5/22 records (Any L&I and insurance information redacted)	N/A			
11	P-125	LifeStance Health 7/26/22 records (Any L&I and insurance information redacted)	N/A			
12	P-126	LifeStance Health 8/16/22 records (Any L&I and insurance information redacted)	N/A			
13	P-127	LifeStance Health 8/30/22 records (Any L&I and insurance information redacted)	N/A			
14	P-128	LifeStance Health 10/19/22 records (Any L&I and insurance information redacted)	N/A			
15	P-129	LifeStance Health 11/15/22 records	N/A			

1	(Any L&I and insurance information redacted)				
2	P-130 LifeStance Health 12/8/22 records (Any L&I and insurance information redacted)	N/A			
3	P-131 LifeStance Health 12/19/22 records (Any L&I and insurance information redacted)	N/A			
4	P-132 LifeStance Health 1/5/23 records (Any L&I and insurance information redacted)	N/A			
5	P-133 Illustratives	N/A			Reserved
6	P-134 Douglas Barovsky, PE's Expert Report, dated August 31, 2022	N/A			
7	P-135 Douglas Barovsky, PE's CV	N/A			
8	P-136 Paul Way, PC, CFI, CFEI, PI's Expert Report, dated August 31, 2022	N/A			
9	P-137 Paul Way, PC, CFI, CFEI, PI's Rebuttal Expert Report, dated September 20, 2022	N/A			
10	P-138 Paul Way, PC, CFI, CFEI, PI's CV	N/A			
11	P-139 Suzanne Best, Ph.D.'s Expert Report re David Fitzpatrick, dated August 24, 2022	N/A			
12	P-140 Suzanne Best, Ph.D.'s Expert Report re Ryan McDade, dated August 24, 2022	N/A			
13	P-141 Suzanne Best, Ph.D.'s Rebuttal Expert Report re David Fitzpatrick, dated September 16, 2022	N/A			
14	P-142 Suzanne Best, Ph.D.'s Rebuttal Expert Report re Ryan McDade, dated September 16, 2022	N/A			
15	P-143 Suzanne Best, Ph.D.'s CV	N/A			
16	P-144 Anthony Choppa, Jr., M.Ed., C.R.C., C.C.M., C.D.M.S.'s Expert Report re David Fitzpatrick, dated August 30, 2022	N/A			
17	P-145 Anthony Choppa, Jr., M.Ed., C.R.C., C.C.M., C.D.M.S.'s Expert Report re Ryan McDade, dated August 30, 2022	N/A			
18	P-146 Anthony Choppa, Jr., M.Ed., C.R.C., C.C.M., C.D.M.S.'s CV	N/A			

1	P-147	Christina Tapia, Ph.D.'s Expert Report re David Fitzpatrick, dated August 31, 2022	N/A			
2	P-148	Christina Tapia, Ph.D.'s Expert Report re Ryan McDade, dated August 31, 2022	N/A			
3	P-149	Christina Tapia, Ph.D.'s CV	N/A			
4	P-150	Photographs taken by Douglas Barovsky	N/A			
5	P-151	Photos of Equipment, Clothing, Electrical Room <ul style="list-style-type: none"> • Photos 1-73 produced in response to Eaton's RFP No. 2. • Photo produced in response to Eaton's RFP No. 8 (work gloves) 	N/A		Disputed	FRE 403, V

DEFENDANT'S EXHIBITS

Ex. #.	Description	BATES	Authenticity	Admissibility	Objection
D-1	Pow-R-Way III Busway Layout Drawings	EATON00 002-26			
D-2	Pow-R-Way III Busway Layout and Assembly Instructions	EATON00 027-49		Disputed	403, F, M, C, V
D-3	Eaton Low Voltage Busway Pow-R-Way III Manual	EATON00 118-133			
D-4	NEMA Standards Publication BU1.1-2010	EATON00 134-156		Disputed	MIL
D-5	Pow-R-Way III Bus Plug 200 AMP Switch Final Assembly	EATON00 157-160			
D-6	PO No. 6101-235564	EATON00 163-164			
D-7	Eaton Distributor Agreement (WESCO), Selling Policy 25-000 attached	EATON00 165-191		Disputed	402, FRE 403, C, M, F
D-8	Bill of Materials BPC480G01	EATON00 192-193			
D-9	Drawings/Specifications	EATON0 0293-00424		Disputed	402, FRE 403, C, M, V
D-10	Shipping Order GO No. MSE0008564BUSA417612825	EATON00 425-427		Disputed	402, 403, C, M, V, F
D-11	Drawings/Specifications	EATON0 0430-00505		Disputed	403, 403, C, M, V

1	D-12	8-15-18 Short-Circuit, Selective & Protective Device Coordination, AC Arc Flash Incident Energy Analysis for 2 and U	EATON00506-00668		Disputed	(Objection to EATON00585 – 668) 402, 403, 802, C, M, V.
2	D-13	8-28-18 Field Service Report – Acceptance Testing - ESE0015666 2 U Preliminary SU Report	EATON00669-710		Disputed	D (P-34)
3	D-14	2-10-19 Bus Plug Test Data Sheets - 2U Bus Plug Test Data Sheets	EATON00711-713		Disputed	D (P-34)
4	D-15	5-25-20 Field Service Report – Acceptance Testing - SSE1036219 Reports	EATON00714-717			
5	D-16	Hi Pot Test	EATON00718-720		Disputed	402, 403, C, M, V, F, E
6	D-17	BOM	EATON00721-724		Disputed	402, 403, C, F
7	D-18	Work Instructions	EATON00725-750		Disputed	402, 403, C, M, V, F, E
8	D-19	Drawings/Specifications	EATON00751-00855		Disputed	402, 403, C, M, V
9	D-20	2+U Oneline As Built Diagram	EATON01133-01138		Disputed	402, 403, C, M ,F, V
10	D-21	Multicare West Tacoma Family Medicine and Urgent Care	MCDADE_MR_000 43-44 and 46-61		Disputed	Contains collateral source. Contains PPI in violation of LCR 5.2. Reference to medical bills on page 43.
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1					Medical Bills on page 45 removed.
2					
3	D-22	Clinic Dermatology	MCDADE _MR_001 53-155 and 163-170	Disputed	Contains collateral source. Contains PPI in violation of LCR 5.2. Reference to medical bills on page 153-155.
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13	D-23	Reserved			
14	D-24	Reserved			
15	D-25	Reserved			
16	D-26	Reserved			
17	D-27	Ramaswami "Vasu" Vasudevan – Expert Report dated August 29, 2022		Disputed	MIL 21
18	D-28	Ramaswami "Vasu" Vasudevan – CV / Fee List / Depo List		Disputed	MIL 21
19	D-29	Ramaswami "Vasu" Vasudevan – Appendix 1– Notes 031120		Disputed	MIL 21
20	D-30	Ramaswami "Vasu" Vasudevan – Appendix 2– 1912142 031120 Photos		Disputed	MIL 21
21	D-31	Ramaswami "Vasu" Vasudevan – Appendix 3– Notes 031220		Disputed	MIL 21
22	D-32	Ramaswami "Vasu" Vasudevan – Appendix 4– 3- Photos		Disputed	MIL 21
23	D-33	Ramaswami "Vasu" Vasudevan – Appendix 8– Research & Supplied		Disputed	MIL 21, 22
24	D-34	Ramaswami "Vasu" Vasudevan – Appendix 9– Others		Disputed	MIL 21, 22.
25	D-35	Dr. Elizabeth Ziegler – Expert Report re David Fitzpatrick dated August 31, 2022		Disputed	MIL 21
26					

1	D-36	Dr. Elizabeth Ziegler – Expert Report re Ryan McDade dated August 30, 2022			Disputed	MIL 21
2	D-37	Dr. Elizabeth Ziegler – CV / Fee List / Depo List			Disputed	MIL 21
3	D-38	Brian Erga – Expert Report dated August 30, 2022			Disputed	MIL 21
4	D-39	Brian Erga – CV / Fee List / Depo List			Disputed	MIL 21
5	D-40	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / 1584-2002			Disputed	MIL 22
6	D-41	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / 1584a-2004			Disputed	MIL 22
7	D-42	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / 1584b-2011			Disputed	MIL 22
8	D-43	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / CL_Fuse test data.xls			Disputed	MIL 22
9	D-44	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / Data_set.xls			Disputed	MIL 22
10	D-45	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / IEEE License Agreement FINAL 6.8.2011			Disputed	MIL 22
11	D-46	Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / IEEE 1584 Arc Flash Hazard.xls			Disputed	MIL 22
12	D-47	Brian Erga – Erga Reliance Materials, Standards and			Disputed	MIL 22

1	Publications / IEEE_1584_Arc_Flash_Hazard / IEEE_1584_Bolted_Fault_Cal.xls				
2	D-48 Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE_1584_Arc_Flash_Hazard / Test_results_database.xls			Disputed	MIL 22
3	D-49 Brian Erga – Erga Reliance Materials, Standards and Publications / 70E-18-PDF			Disputed	MIL 22
4	D-50 Brian Erga – Erga Reliance Materials, Standards and Publications / Arc rating of gloves sept 06			Disputed	MIL 22
5	D-51 Brian Erga – Erga Reliance Materials, Standards and Publications / ASTM F1506-2020			Disputed	MIL 22
6	D-52 Brian Erga – Erga Reliance Materials, Standards and Publications / C2-2017 Unencrypted PDF			Disputed	MIL 22
7	D-53 Brian Erga – Erga Reliance Materials, Standards and Publications / F1506-902			Disputed	MIL 22
8	D-54 Brian Erga – Erga Reliance Materials, Standards and Publications / F1959 test std for arc rating clothes			Disputed	MIL 22
9	D-55 Brian Erga – Erga Reliance Materials, Standards and Publications / F2178.1751			Disputed	MIL 22
10	D-56 Brian Erga – Erga Reliance Materials, Standards and Publications / IEEE paper--Open Air and Padmount Arc Flash Marshals June 11			Disputed	MIL 22
11	D-57 Brian Erga – Erga Reliance Materials, Standards and Publications / Low-Voltage Arc Sustainability			Disputed	MIL 22
12	D-58 Dr. Mark Sofonio – Expert Report re Edgar Apodaca dated August 31, 2022			Disputed	MIL 21
13	D-59 Dr. Mark Sofonio – Expert Report re David Fitzpatrick dated August 31, 2022			Disputed	MIL 21

1	D-60	Dr. Mark Sofonio – Expert Report re Ryan McDade dated August 30, 2022			Disputed	MIL 21
2	D-61	Dr. Mark Sofonio – CV & Fee List			Disputed	MIL 21
3	D-62	Ramaswami “Vasu” Vasudevan – Expert Rebuttal Report dated September 30, 2022			Disputed	MIL 21
4	D-63	Dr. Elizabeth Ziegler – Expert Rebuttal Report re David Fitzpatrick dated September 30, 2022			Disputed	MIL 21
5	D-64	Dr. Elizabeth Ziegler – Expert Rebuttal Report re Ryan McDade dated September 30, 2022			Disputed	MIL 21
6	D-65	Laura Dolan – Expert Rebuttal Report dated September 29, 2022			Disputed	MIL 21
7	D-66	Laura Dolan – CV / Fee List / Depo List			Disputed	MIL 21
8	D-67	William Skilling – Expert Rebuttal Report for Ryan McDade dated September 30, 2022			Disputed	MIL 21
9	D-68	William Skilling – Expert Rebuttal Report for David Fitzpatrick dated September 30, 2022			Disputed	MIL 21
10	D-69	William Skilling – CV / Fee List / Depo List			Disputed	MIL 21
11	D-70	Cochran Electric Injury and Illness Prevention Program	LNI PDR 0000003- 139		Disputed	MIL 45
12	D-71	Cochran Electric Safety Manual, Version 1, November 13, 2020			Disputed	MIL 45
13	D-72	Fitzpatrick Employment File	COCHRA N_00001- 21		Disputed	402, 403, C, M, V, P
14	D-73	Illustratives		TBD	Reserved	

21 The Parties' Objection Code:

MIL	Subject of Motion In Limine
C	Confusion of Issues
M	Misleading to the Jury
V	Cumulative
F	Lack of Foundation
E	Document Not In English
P	Contains Personal Private Information
D	Duplicate Exhibit

H	Hearsay
R	Relevance

VIII. DEPOSITION DESIGNATIONS

The following is a list of any portions of deposition transcripts to be offered by Plaintiffs at trial, as specified in LCR 32(e), except for deposition testimony offered solely for impeachment. *The deposition designations chart reflects an amended version submitted by the Parties (Dkt. No. 125) and the Court's rulings on each designation and counter-designation:*

Deposition Transcript of Robert Keith Hughes – Eaton's Fed. R. Civ. P. 30(b)(6) Designee²

PAGE/LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
6:15-25	<i>No objection.</i>	N/A	n/a
10:19-25	<i>No objection.</i>	N/A	n/a
11:2-23	<i>No objection.</i>	N/A	n/a
12:5-24	<i>No objection.</i>	N/A	n/a
13:8-18	<i>No objection.</i>	N/A	n/a
20:14 to 21:8	20:18-21:8- FRE 401/402, 403 R, M, C	Katelyn Frost was allegedly involved in the initial investigation and her involvement with the same is relevant, as well as Mr. Hughes' preparation as a Fed. R. Civ. P. 30(b)(6) witness.	Overruled
21:15 to 21:21	FRE 401/402, 403 R, M, C	Katelyn Frost was allegedly involved in the initial investigation and her involvement with the same is relevant, as well as Mr. Hughes' preparation as a Fed. R. Civ. P. 30(b)(6) witness.	Overruled
25:19 to 25:25	FRE 401/402, 403 R, M, C	Katelyn Frost was allegedly involved in the initial investigation and her involvement with the same is relevant, as well as Mr.	Overruled

² Standard font is Plaintiffs' Designations and italic font is Defendant's Counter-Designations.

1		Hughes' preparation as a Fed. R. Civ. P. 30(b)(6) witness.		
2	27:5-7	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	<i>This testimony providing Eaton's position on no product failure, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	Overruled
3	34:3-35:9	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	<i>This testimony providing information regarding technical knowledge and state of the subject equipment post-incident, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	Overruled, but 34:12 to 35:9 excluded as unnecessary and cumulative as Vasudevan will be testifying
4	36:13 to 37:19	FRE 802 H	Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6).	Overruled
5	38:19 to 38:24	<i>No objection</i>	<i>N/A</i>	n/a
6	39:1 to 39:24	FRE 802 H	Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6).	Overruled
7	40:11 to 40:18	FRE 403, 602 M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	Overruled

1	40:23 to 41:13	FRE 401/402, 403, 602 R, M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	Sustained as to 41:4–11 (confusing/misleading)
9	41:15 to 42:23	FRE 401/402, 403, 802, 602 R, M, C, H, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper. Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6).	Sustained (confusing/misleading; hearsay)
20	43:3 to 44:12	FRE 401/402, 403, 602 R, M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore,	Sustained as to 43:3– 44:5 (confusing); Overruled as to 44:6–12

1		any objection under FRE 602 is improper.		
2	44:14 to 44:23	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	Overruled
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8	45:16 to 45:22	RE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	Overruled
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13	46:5 to 46:18	FRE 401/402, 403, 602 R, M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	Overruled
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22	46:25 to 47:11	FRE 401/402, 403, 602 R, M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's	Overruled
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		investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	
48:13 to 48:23	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	Overruled
49:22 to 51:7	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	Overruled
55:3 to 55:9	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	Overruled
56:1 to 56:13	FRE 401/402, 403, 602 R, M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the	Overruled

1	2	3	incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	4
5	6	7	8	9
10	11	12	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	13
14	15	16	17	18
19	20	21	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	22
23	24	25	26	27
28	29	30	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did	31

1		2 during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	
3	65:23 to 66:13	No objection	N/A n/a
4	68:8 to 68:22	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice. Overruled
5	68:23 to 69:11	FRE 401/402, 403, 602 R, M, C, F	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper. Overruled
6	72:9 to 72:15	FRE 802 H	Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6). Overruled
7	79:24 to 80:7	FRE 403, 802 M, C, H	Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6). Sustained as to the reference to Cochran at 80:4 (hearsay)
8	81:22 to 82:6	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was Overruled

1		within the scope of the Fed. R. Civ. P. 30(b)(6) Notice.	
2	85:1 to 91:1	FRE 401/402, 403, 701 R, M, C, Scope	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice (See Topics Nos. 36, 37, 40, 42).
3			Overruled, except 88:21 to 89:8 is excluded (confusing, cumulative)
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9	92:4 to 92:7	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation.
10			Overruled
11			
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13	93:13 to 93:20	FRE 401/402, 403, 701 R, M, C, Scope	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice (See Topics Nos. 29-31, 33, 36). Mr. Hughes is testifying regarding Eaton's policies and procedures regarding a CQM and does not otherwise call for opinions excluded by 701.
14			Overruled
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24	94:6 to 96:1	FRE 401/402, 403, 802 R, M, C, H	Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6). Eaton's initial investigation into the explosions is relevant. There is nothing confusing
25			Overruled
26			

		or misleading regarding what Eaton believes it did during the initial investigation.	
97:14 to 100:4	FRE 802, 701 H, Scope	Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6). Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. What Eaton did to investigate is not outside the scope of permissible testimony under 701 and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice (See Topics Nos. 36-44).	Overruled
100:6-12	<i>Objection withdrawn.</i>	N/A	n/a
105:17 to 105:23	FRE 403, 701 M, C, Scope	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. What Eaton did to investigate is not outside the scope of permissible testimony under 701 and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice (See Topics Nos. 36-44).	Overruled
113:11-114:4	<i>Objection withdrawn.</i>	N/A	n/a
115:21 to 119:7	119:2-7-FRE 701 Scope	The choice, and the type, of materials used in the manufacturing of the Product was Topic No. 6 of the Fed. R. Civ. P. 30(b)(6) Notice. See also Topics Nos. 17-19. This	Overruled

1		testimony is directly within that topic.	
2	120:3 to 120:6	FRE 701 Scope	Overruled The choice, and the type, of materials used in the manufacturing of the Product was Topic No. 6 of the Fed. R. Civ. P. 30(b)(6) Notice. See also Topics Nos. 17-19. This testimony is directly within that topic.
3	120:12 to 120:24	FRE 701 Scope	Overruled The choice, and the type, of materials used in the manufacturing of the Product was Topic No. 6 of the Fed. R. Civ. P. 30(b)(6) Notice. See also Topics Nos. 17-19. This testimony is directly within that topic.
4	<i>121:2-10</i>	<i>No objection.</i>	n/a
5	121:11 to 122:1	FRE 106, 701 Incomplete Designation, Scope	Overruled What Eaton recommends in its own literature is not outside the scope of permissible testimony under 701 and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice (See Topics Nos. 16-20).
6	122:17 to 124:11	FRE 401/402, 403, 701 R, M, C, Scope	Overruled What Eaton recommends in its own literature is not outside the scope of permissible testimony under 701 and was within the scope of the Fed. R. Civ. P. 30(b)(6) Notice (See Topics Nos. 16-20).
7	<i>124:24-125:7</i>	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	Overruled <i>This testimony providing Eaton's historical production of the subject unit product line, is necessary for sake of completeness/fairness given Plaintiffs' designations and is</i>

1		<i>permissible pursuant to Rule 32(a).</i>	
2	127:14- 128:25	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	Overruled
3		<i>This testimony regarding the relevant product build and assembly methods and product certifications, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	
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8	129:17- 130:1	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	Overruled
9		<i>This testimony regarding Eaton's process for manufacture and testing of the relevant product, including hi-pot testing, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	
10			
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14	131:2 to 142:24	131:2-140:7-FRE 403 M, V, C	Overruled
15		<i>Eaton's packaging, shipment and transportation of the product is relevant as Eaton's expert alleges that these could be issues that caused the explosions. There is nothing confusing, cumulative or misleading to the jury for testimony explaining the packaging, shipping, transportation and handling processes.</i>	
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22	145:3 to 146:9	FRE 403, 602 M, C, F	Overruled
23		<i>Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation. Furthermore, Eaton's investigation into the</i>	
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1	2	3	incident was a topic of the Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper.	4
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15	16	17	18	19
20	21	22	23	24
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1	2	3	4	Fed. R. Civ. P. 30(b)(6) deposition, and therefore, any objection under FRE 602 is improper. Not hearsay. See FRE 801(d)(2); Fed. R. Civ. P. 30(b)(6).	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
169:14-170:7	169:14-170:7	170:7	170:7	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7	170:7
170:15 to 171:13	170:15 to 171:13	171:13	171:13	FRE 106, Incomplete Designation, 701, Scope	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13	171:13
174:11-175:6	174:11-175:6	175:6	175:6	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6	175:6
176:10 to 181:23	176:10 to 181:23	181:23	181:23	FRE 106, 701 Incomplete Designation, Scope	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23	181:23

		manuals, etc. associated with the product (Topic Nos. 16-20), the manufacturing and assembly of the product (Topic Nos. 22-24), chain of custody, investigation and evidence preservation (Topic Nos. 35-44). It does not call for opinion testimony outside scope of 701.	
187:9-189:9	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	<i>This testimony regarding Underwriters Laboratories standards, including specifications for live point connections within the subject unit is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	Overruled
194:10-195:16	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	<i>This testimony regarding pre-incident testing of the subject product and standardized labels, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	Overruled
197:8 to 197:18	FRE 106, Incomplete Designation, 701, Scope	This falls within Topics regarding warning labels, instruction manuals, etc. associated with the product (Topic Nos. 16-20). It does not call for opinion testimony outside scope of 701.	Overruled
204:11-23	<i>Unnecessary and/or impermissible per Rule 32(a). Plaintiffs' MIL 26</i>	<i>This testimony regarding no prior similar incidents, for which sufficient foundation exists, is</i>	Sustained (testimony at 204:22-23 too uncertain)

		<i>necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	
212:11 to 213:5	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation.	Overruled
214:24 to 215:20	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation.	Overruled
217:22 to 218:3	FRE 401/402, 403 R, M, C	Eaton's initial investigation into the explosions is relevant. There is nothing confusing or misleading regarding what Eaton believes it did during the initial investigation.	Overruled
221:21-224:22	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	<i>This testimony regarding Eaton's role as it relates to the relevant project site, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	Sustained as to 222:20-223:21
226:23-25	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	<i>This testimony regarding Eaton employees and their involvement with the subject project site, is necessary for sake of completeness/fairness given Plaintiffs'</i>	Overruled

1		<i>designations and is permissible pursuant to Rule 32(a).</i>	
2	234:3-20	<i>Unnecessary and/or impermissible per Rule 32(a). Noted objections at deposition.</i>	Overruled
3	236:17-24	<i>This testimony regarding Eaton employees and their involvement with the subject project site, is necessary for sake of completeness/fairness given Plaintiffs' designations and is permissible pursuant to Rule 32(a).</i>	Overruled
4	249:10 to 249:13	<i>Unnecessary and/or impermissible per Rule 32(a).</i>	Sustained
5	253:11-254:18	<i>FRE 401/402, 403 R, M, C</i>	<i>FRE 401/402, 403 R, M, C</i>
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IX. ACTION BY THE COURT

- (a) This case is scheduled for trial before a jury on March 6, 2023 at 9:00 A.M.
- (b) Trial briefs shall be submitted to the court on or before February 17, 2023.

1 (c) Jury instructions requested by either party shall be submitted to the court on or before
2 February 17, 2023. Suggested questions of either party to be asked of the jury by the
3 court on voir dire shall be submitted to the court on or before February 17, 2023.

4 (d) (Insert any other ruling made by the court at or before pretrial conference.)

5 (e) *The Parties are DIRECTED to submit (via email) to the Court by 5 p.m. on March 3,
6 2023, the exhibit list chart with any objections for any exhibits that might be used on
7 the first day of trial. Any objections to demonstratives that may be used during
8 opening statement should also be included with the exhibit list chart. Thereafter, the
9 parties are directed meet at a mutually agreed upon time each day during trial for the
10 parties to exchange a set of proposed exhibits to be used the following day. The
11 parties are required to confer each day following this exchange to make further
12 stipulations and discuss any remaining objections. To the extent any objections
13 remain after this conferral, the exhibit list shall be emailed to the Courtroom Deputy
14 by 9 p.m. each day.*

15 (f) *The Court believes that a trial length of ten days is sufficient for this case.*

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17 DATED this 3rd day of March 2023.

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21 Tana Lin
22 United States District Judge
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1 FORM APPROVED

2
3 DATED this 13th day of February, 2023 in Seattle, Washington.

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